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Attorneys for Creditor,
6 COMMERCIAL CREDIT GROUP INC.

7 **UNITED STATES BANKRUPTCY COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA, SANTA ROSA DIVISION**

9 In re
10 KINGSBOROUGH ATLAS TREE
SURGERY, INC.,
11 Debtor.
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15
16

Case No. 25-10088
Chapter 11

**DECLARATION OF GABRIEL P.
HERRERA IN SUPPORT OF MOTION
FOR RELIEF FROM THE AUTOMATIC
STAY PURSUANT TO STIPULATION OF
THE PARTIES REGARDING PERSONAL
PROPERTY**

Judge: Hon. William J. Lafferty, III
Date: July 1, 2025
Time: 9:30 a.m.
Dept.: Crtrm 220 or via Zoom

17 I, Gabriel Herrera, declare as follows:

18 1. I am an attorney duly admitted to practice law before this Court. I serve as counsel
19 for creditor Commercial Credit Group Inc. ("Creditor" or "CCG") in the above-captioned case. I
20 have personal knowledge of all facts stated herein. If called as a witness, I could and would
21 competently testify to all matters stated herein unless otherwise specified. I make this declaration
22 in support of Creditor's motion for relief from the automatic stay in order to allow Creditor to
23 enforce its state law rights with respect to the following personal property in which the Debtor seeks
24 to abandon: (a) 2020 Bandit 18XP Chipper (Doc. 153); (b) 2010 Bandit 19XP Chipper (Doc. 153);
25 (c) 2020 Vermeer 42" Log Grappler (Doc. 153); (d) 2020 Felling Equipment Trailer (Doc. 153); (e)
26 2010 Vermeer SC292 Stump Grinder (Doc. 153); (f) 2017 Caterpillar 208-D Excavator (Doc. 154);
27 (g) 2017 Rotobec Rotating Grapple Attachment (Doc. 154); (h) 2019 Vermeer CTX (Doc. 154); and
28 (i) a residential customer list (Doc. 152) (collectively "Personal Property").

1 2. The docket reflects that on or about June 11, 2025, the Debtor filed three Notices of
2 Proposed Abandonment of Personal Property, seeking to abandon the Personal Property. The
3 Notices of Proposed Abandonment are set to be heard on July 1, 2025. The Notices are known as
4 Docket Nos. 152-154.

5 3. On or about June 18, 2025, the Creditor and the Debtor entered into a Stipulation for
6 Relief from the Automatic Stay. Under the terms of the Stipulation, the parties agreed that CCG
7 shall have relief from stay to enforce its state law rights with respect to the Personal Property in the
8 event the Personal Property is abandoned. A true and correct copy of the Stipulation is attached
9 hereto as **Exhibit A**.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct.

12 Executed June 20, 2025, at Sacramento, California.

13
14 
15 GABRIEL P. HERRERA

Exhibit A

1 GABRIEL P. HERRERA, State Bar No. 287093
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11 In re
12 KINGSBOROUGH ATLAS TREE
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13 Debtor.

Case No. 25-10088
Chapter 11

**STIPULATION FOR RELIEF FROM THE
AUTOMATIC STAY**

14
15
16 Creditor COMMERCIAL CREDIT GROUP INC. ("CCG") and debtor in possession
17 KINGSBOROUGH ATLAS TREE SURGERY, INC. ("Debtor"), by and through their counsel,
18 stipulate for relief from stay under 11 U.S.C. section 362(d) in order to allow CCG to enforce its
19 state law rights with respect to the following personal property in which the Debtor seeks to
20 abandon: (a) 2020 Bandit 18XP Chipper (Doc. 153); (b) 2010 Bandit 19XP Chipper (Doc. 153); (c)
21 2020 Vermeer 42" Log Grapppler (Doc. 153); (d) 2020 Felling Equipment Trailer (Doc. 153); (e)
22 2010 Vermeer SC292 Stump Grinder (Doc. 153); (f) 2017 Caterpillar 208-D Excavator (Doc. 154);
23 (g) 2017 Rotobec Rotating Grapple Attachment (Doc. 154); (h) 2019 Vermeer CTX (Doc. 154); and
24 (i) a residential customer list (Doc. 152) (collectively "Personal Property"). In support of their
25 stipulation, the parties recite as follows:

26 1. On or about February 20, 2025, the Debtor commenced the above-captioned
27 bankruptcy case by the filing of a Chapter 11 petition. The Debtor is the debtor-in-possession.

28 2. Among the assets of the Debtor's bankruptcy estate is the Personal Property. The

1 Personal Property is subject to the senior secured claim of CCG which was in the approximate
2 amount of \$3,237,288.87 on the petition date. Under the terms of CCG's security agreements, the
3 Debtor pledged to CCG, among other things, a security interest in all of the Debtor's personal
4 property assets, including "all accounts, accounts receivable, chattel paper, contract rights,
5 documents, equipment, fixtures, general intangibles, goods, instruments, securities, deposit
6 accounts, investment property and all other property of whatever nature and kind, wherever
7 located...."

8 3. On or about June 11, 2025, the Debtor filed three Notices of Proposed Abandonment
9 of Personal Property, seeking to abandon the Personal Property. (Doc. 152-154.)

10 4. In the event the Personal Property is abandoned, the parties agree that CCG shall
11 have relief from stay to enforce its state law rights with respect to the Personal Property.

12 WHEREFORE, the parties stipulate, subject to Court approval, that:

13 A. Pursuant to 11 U.S.C. section 362(d), CCG shall be granted relief from stay in order
14 to enforce any of its state law rights with respect to the Personal Property.

15 NOW THEREFORE, the parties request an order consistent with the foregoing and for such
16 other and further relief as the Court deems necessary and proper.

17 DATED: June 20, 2025

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

19
20 By:



21 Gabriel P. Herrera
22 Attorneys for Creditor,
COMMERCIAL CREDIT GROUP INC.

23 DATED: June 18, 2025

LAW OFFICES OF MICHAEL C. FALLON

25 By:

/s/ Michael C. Fallon

26 Michael C. Fallon
27 Attorneys for Debtor,
28 KINGSBOROUGH ATLAS TREE SURGERY
INC.